

Another seat on the same side of the Senate and in the same line has a new occupant, for we are likewise called to deplore the death of the Hon. J. M. Martin, of Cooke. Born within the very shadow of Cumberland University, located at Lebanon, Tennessee, of which he afterwards became a graduate, he seemed to have caught the inspiration of its culture; for from youth to manhood he was devoted to letters, and distinguished for his accurate acquaintance with the classics of the ancients, no less than with the literature of our own language. As a member of the House of Representatives of the Fifteenth Legislature, and as Senator of the Seventeenth, he in both bodies took a leading position in advocacy of all measures which looked to a development of Texas and her resources, and stamped the impress of his intellect upon the laws which were then enacted. Quick to perceive, clear in analysis, a writer of the purest English, his loss to the State can only be estimated by the measure of his promised usefulness. Bred to the profession of the law (he some years since left the *forum* for the *sanctum*) and as an editor of one of the leading papers of the State, wielded great influence in shaping public policy upon such questions as affected its weal or woe. He, too, died at the very threshold of a life of usefulness, and Texas, in common with ourselves, mourns him as one of the most promising of those who had cast his fortunes within her borders. Gentle as a woman, yet heroic, of "the bravest, yet of the tenderest," he sleeps his last sleep in the home of his native land, where loving hands will plant the cypress and the rose around his grave, while his spirit freed from the corruptions of the clay, and clad in the garb of the immortal and the incorruptible, basks in the sunshine of a Savior's love, and is at peace forever.

Missing as we do the departed Senators from our daily associations of friendly intercourse and legislative work; deploring their loss to the State, and profoundly sympathizing with the bereaved, it is meet and proper that we should pause and pay tribute to their memories; therefore, be it

Resolved, 1. That in the deaths of the Hons. Stephen Powers, Jno. T. Buchanan and J. M. Martin, the Senate of Texas has lost three of its most useful and distinguished members, and the State three of its most devoted citizens.

Resolved, 2. That we who met them in the arena of debate bear testimony to the fact that while their opinions were ever advocated with the earnestness which betokened sincerity, and with the boldness which becomes freemen, yet they were always tempered with that courtesy which denoted the gentleman.

Resolved, 3. That as patriots, citizens and associates, we deeply deplore their loss, as we are sensible of their usefulness to the State, their worth as men, and their value as friends.

Resolved, 4. That to each of the families bereaved by this dispensation, we, the Senate of Texas, tender our profoundest sympathy, and as they bow beneath the rod, commend them to the Heavenly Healer, who has a balm for every wound and who by the promises of His word, has assured us that though sorrow endureth for the night joy cometh in the morning.

Resolved, 5. That a copy of this preamble and these resolutions be spread upon, and printed in the journals of the Senate, be properly transcribed and signed, and forwarded, under the certificate of the Secretary, to each of the families of the deceased.

Resolved, 6. That as a further mark of respect for the deceased, the Senate do now stand adjourned until Monday, the twenty-fourth instant, at 9:30 a. m.

Senator Houston offered the following resolution:

WHEREAS, By the inscrutable providence of Almighty God, death has taken from our midst, since the adjournment of the regular session of the Seventeenth Legislature, our venerable, eloquent and highly esteemed Chaplain, the Rev. F. W. Wilkes, D. D.; therefore,

Be it resolved, That we do sincerely mourn the loss to this body, to society, and to the State, of this gallant soldier, eminent scholar and devout Christian divine, who has left the impress of his noble character upon the people of this State, and whose memory will long be cherished by the members of this body and by all Texans who knew him.

That we tender our unfeigned sympathy to his stricken household, and that these resolutions be spread upon the journals of the Senate, and a copy be sent to the bereaved family.

(Senator Lair in the chair.)

The Senate unanimously adopted the resolutions by aye and no vote, and Senate adjourned to 9:30 a. m. Monday.

SIXTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 24, 1882. }

Senate met pursuant to adjournment.

Senator Martin in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator McLane, the reading of the journals of last Saturday, the twenty-second instant, was dispensed with.

Substitute for House bills Nos. 1, 5, 36 and 41, "An act to apportion the State of Texas into congressional districts," being special order for this hour, was taken up. Bill, with committee report and amendments, read second time:

Senator Houston moved to postpone bill till 11:30 a. m. Lost by the following vote:

YEAS—13.

Brown,	Martin,	Stubbs,
Burton,	McDonald,	Swain,
Homan,	Rainey,	Terrell,
Houston,	Stewart,	Weatherred,
Lightfoot,		

NAYS—15.

Buchanan,	Gooch,	Moore,
Burges,	Harris,	Patton,
Davenport,	Hightower,	Ross,
Davis,	Lair,	Tilson,
Duncan,	McLane,	Wynne.

Senator Houston moved a call of the Senate. Call seconded.

Roll called. Absent, Senator Shannon.

Senator Davenport moved to excuse Senator Shannon. The Senate refused to excuse by the following vote:

YEAS—16.

Buchanan,	Harris,	Moore,
Burges,	Hightower,	Patton,
Davenport,	Lair,	Ross,
Davis,	McLane,	Swain,
Duncan,	McDonald,	Tilson.
Gooch,		

NAYS—12.

Brown,	Lightfoot,	Stubbs,
Burton,	Martin,	Terrell,
Homan,	Rainey,	Weatherred,
Houston,	Stewart,	Wynne.

The Senate failing to excuse the absent Senator, the bill went to the table.

Senate bill No. 36, "An act to provide annual pensions to surviving soldiers and volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835 until the first of January, 1837; and also to the surviving signers of the Declaration of Independence of Texas; and to the surviving widows continuing unmarried of such soldiers, volunteers and signers," on its second reading, was taken up. Read second time, with majority and minority reports.

Senator Stewart moved to substitute minority report for majority report.

Message received from the House announcing the passage by that body of the following bills: Senate bill No. 38, "An act to provide temporary shelter for the lunatics in the asylum rendered necessary by the recent burning of one of the Lunatic Asylum buildings."

Also, Senate bill 39, "An act to authorize district judges to fix times for holding district courts in newly organized counties."

Also, House bill No. 27, "An act to provide for the publication and binding of one thousand copies of the Revised Statutes, Penal Code and Code of Criminal Procedure of the State of Texas, with the Constitution and the appendix thereto, and to make an appropriation therefor."

Also, House bill No. 51, "An act to amend articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Statutes, as amended March 24, 1881."

The chair gave notice that the Senate was full and substitute for House bills Nos. 1, 5, 36 and 41 was resumed, with the committee amendments pending.

(President in the chair.)

Senator Houston moved to recommit bill and committee amendments, for the purpose of having a substitute offered.

Senator Stewart offered the following amendment to the motion to recommit: Amend by adding "that the committee be instructed to form the districts so as to embrace the Gulf coast into three or more districts." Accepted.

Senator Duncan raised a point of order, that the motion to recommit was not in order pending the committee amendments. Overruled.

Amendment of Senator Stewart was accepted by Senator Houston.

Motion to recommit was lost by the following vote:

YEAS—12.

Brown,	Lightfoot,	Stewart,
Burton,	Martin,	Swain,
Homan,	Rainey,	Terrell,
Houston,	Shannon,	Weatherred.

NAYS—17.

Buchanan,	Harris,	Patton,
Burges,	Hightower,	Ross,
Davenport,	Lair,	Stubbs,
Davis,	McLane,	Tilson,
Duncan,	McDonald,	Wynne,
Gooch,	Moore,	

Senator Shannon, chairman of Committee on Engrossed Bills, submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, April 24, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 40, "An act to amend title 4 of the Revised Civil Statutes of the State of Texas, and to reapportion the State into senatorial and representative districts," and find the same correctly engrossed. We also call the attention of the Senate to the following errors in the original bill, to-wit: The county of Lamb has been left without senatorial representation, and the counties of Kendall and Hardeman without a representative; also, that the original bill provides no returning county for the twenty-third representative district, composed of the counties of Lamar, Fannin and Delta.

PATTON, Chairman.

The first amendment to the substitute bill for House bills Nos. 1, 5, 36 and 41, "Add Shelby county to the third district," adopted by the following vote:

YEAS—21.

Brown,	Lightfoot,	Stewart,
Burges,	Martin,	Stubbs,
Gooch,	McLane,	Swain,
Harris,	McDonald,	Terrell,
Hightower,	Moore,	Tilson,
Homan,	Ross,	Weatherred,
Houston,	Shannon,	Wynne,

NAYS—7.

Buchanan,	Duncan,	Patton,
Davenport,	Lair,	Rainey.
Davis,		

Second committee amendment, "To change Navarro county from the ninth to the sixth district, and Bosque county from the sixth to the ninth district," adopted by the following vote:

YEAS—17.

Brown,	Homan,	Stewart,
Burton,	Houston,	Swain,
Davenport,	Lightfoot,	Terrell,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Hightower,	Ross,	

NAYS—12.

Buchanan,	Lair,	Rainey,
Burges,	Martin,	Shannon,
Davis,	McLane,	Stubbs,
Duncan,	McDonald,	Tilson.

Senator Gooch moved to adjourn till 3 o'clock p. m. to-day; withdrawn to admit the following resolution, offered by Senator Lair:

Resolved, That the Secretary of the Senate be authorized to have printed three hundred extra copies of the Legislative Record of date of April 23, 1882, containing the memorial resolutions of the Senate of April 22, 1882.

On motion of Senator Martin, Senator Lair's resolution was adopted.

On motion of Senator Hightower, Senator Lightfoot was excused indefinitely after to-day, on account of important business.

The President referred House bill No. 51, "An act to amend articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Statutes, as amended March 24, 1881," to Committee on Finance.

Also, House bill No. 27, "An act to provide for the publication and binding of 1000 copies of the Revised Statutes Penal Code and Code of Criminal Procedure of the State of Texas, with the Constitution and the appendix thereto, and to make an appropriation therefor." Referred to Committee on Printing.

Senator Duncan moved that 100 copies of House bill No. 51 be printed. Adopted.

Senator Patton moved to adjourn till 9:30 a. m. tomorrow. Lost by the following vote:

YEAS—14.

Brown,	Houston,	Patton,
Buchanan,	Lair,	Shannon,
Burges,	McLane,	Terrell,
Burton,	McDonald,	Tilson.
Davenport,	Moore,	

NAYS—15.

Davis,	Homan,	Stewart,
Duncan,	Lightfoot,	Stubbs,
Gooch,	Martin,	Swain,
Harris,	Rainey,	Weatherred,
Hightower,	Ross,	Wynne.

Senator Gooch's motion to adjourn till 3 o'clock p. m. to-day was lost by the following vote:

YEAS—12.

Brown,	Harris,	Martin,
Davis,	Hightower,	McLane,
Duncan,	Homan,	Swain,
Gooch,	Lightfoot,	Wynne.

NAYS—17.

Buchanan,	McDonald,	Stewart,
Burges,	Moore,	Stubbs,
Burton,	Patton,	Terrell,
Davenport,	Rainey,	Tilson,
Houston,	Ross,	Weatherred.
Lair,	Shannon,	

Third committee amendment, to change Live Oak county from seventh to eighth district, and DeWitt county from the eighth to seventh district, adopted by the following vote:

YEAS—16.

Brown,	Lightfoot,	Stewart,
Burton,	McLane,	Terrell,
Gooch,	McDonald,	Tilson,
Harris,	Rainey,	Weatherred,
Homan,	Shannon,	Wynne.
Houston,		

NAYS—13.

Buchanan,	Hightower,	Patton,
Burges,	Lair,	Ross,
Davenport,	Martin,	Stubbs,
Davis,	Moore,	Swain.
Duncan,		

Senator Duncan moved to adjourn till three o'clock this evening. Adopted by the following vote:

YEAS—18.

Brown,	Homan,	McDonald,
Davis,	Houston,	Shannon,
Duncan,	Lair,	Swain,
Gooch,	Lightfoot,	Terrell,
Harris,	Martin,	Tilson,
Hightower,	McLane,	Wynne.

NAYS—11.

Buchanan,
Burgess,
Burton,
Davenport,

Moore,
Patton,
Rainey,
Ross,

Stewart,
Stubbs,
Weatherred.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Substitute bill for House bills Nos. 1, 5, 36 and 41, "An act to apportion the State of Texas into congressional districts," was the pending business, the bill being on its engrossment.

Senator Stewart offered the following amendment: Amend by adding Waller county to the Seventh District.

Senator Duncan moved call of the Senate. Call seconded. Roll called. Absent: Senators Patton, Swain and Buchanan. The pending bill went to the table.

The President laid before the Senate Senate bill No. 36, "An act to provide annual pensions to surviving soldiers and volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835, until the first of January, 1837; and also to the surviving signers of the Declaration of Independence of Texas, and to the surviving widows, continuing unmarried, of such soldiers, volunteers and signers."

Senator Duncan moved a call of the Senate. Call seconded. Roll called. Absent: Senators Buchanan, Patton and Swain. The bill went to the table.

Senator Burton offered the following resolution:

WHEREAS, The convicts of the State penitentiary are scattered throughout the State, greatly to the annoyance and detriment of the citizens of the sections of the State where said convicts are kept, causing terror and alarm to the women and children of the different localities, and often causing loss and injury to the said citizens by the depredations of theft of escaping convicts and others.

Whereas, It is the expressed policy of our State, and especially of the party in control of our State government, as repeatedly expressed by our chief executives and Legislatures, to confine State criminals within the walls of our State prisons as soon as possible to do so; therefore, be it

Resolved, That a committee be appointed by the President of the Senate to act alone, or in conjunction with a like committee of the House, to inquire into the matter, and if it can be done, to report to this body by bill or otherwise, by which at least the worst convicts, if not all, may be employed within the State prison walls; that the committee appointed go to work instantler, and report their action at the earliest time possible.

Referred to Committee on Penitentiaries.

The Sergeant-at-Arms announced the Senate full, and consideration of the apportionment bill was resumed.

Senator Stewart's amendment, to add "Waller county to the seventh district," was lost by the following vote:

YEAS—12.

Gooch,
Harris,
Homan,
Houston,

Lightfoot,
Martin,
Rainey,
Shannon,

Stewart,
Swain,
Terrell,
Weatherred.

NAYS—10.

Brown,
Buchanan,
Burgess,
Davenport,
Davis,
Duncan,

Hightower,
Lair,
McLane,
McDonald,
Moore,

Patton,
Ross,
Stubbs,
Tilson,
Wynne.

Senator Buchanan offered the following amendment: Amend by transferring the county of Hunt from the third to the fourth district. Lost by the following vote:

YEAS—11.

Brown,
Buchanan,
Burton,
Davis,

Homan,
Houston,
Lightfoot,
Stewart,

Swain,
Terrell,
Weatherred.

NAYS—18.

Burgess,
Davenport,
Duncan,
Gooch,
Harris,
Hightower,

Lair,
Martin,
McLane,
McDonald,
Moore,
Patton,

Rainey,
Ross,
Shannon,
Stubbs,
Tilson,
Wynne.

Senator Davis offered the following amendment: Amend sections 6 and 12 by taking the counties Childress, Swisher, Deaf Smith, Donley, Gray, Oldham, Hutchinson, Lipscomb, Sherman, Hall, Castro, Randall, Collingsworth, Carson, Hartley, Roberts, Ochiltree, Dallam, Greer, Briscoe, Parmer, Armstrong, Wheeler, Potter, Moore, Hemphill, Hardeman and Hansford from the fifth district and attaching the same to the eleventh district; and, further amend by taking the counties of Archer and Baylor from the eleventh district and attaching the same to the fifth district.

Senator Shannon offered the following substitute for Senator Davis' amendment: Strike out the county of Clay and the Panhandle counties from the fifth district and add them to the eleventh district.

Senator Davenport moved a call of the Senate. Call seconded. Roll called. President announced the Senate full.

Senator Shannon's substitute for Senator Davis' amendment was lost by the following vote:

YEAS—10.

Brown,
Burton,
Davis,
Homan,

Houston,
Lightfoot,
Shannon,

Stewart,
Swain,
Weatherred.

NAYS—19.

Buchanan,
Burgess,
Davenport,
Duncan,
Gooch,
Harris,
Hightower,

Lair,
Martin,
McLane,
McDonald,
Moore,
Patton,

Rainey,
Ross,
Stubbs,
Terrell,
Tilson,
Wynne.

Senator Davis' amendment was lost by the following vote:

YEAS—12.

Brown,
Burton,
Davis,
Gooch,

Homan,
Houston,
Lightfoot,
Martin,

Rainey,
Stewart,
Swain,
Weatherred.

NAYS—17.

Buchanan,
Burgess,
Davenport,
Duncan,
Harris,
Hightower,

Lair,
McLane,
McDonald,
Moore,
Patton,
Ross,

Shannon,
Stubbs,
Terrell,
Tilson,
Wynne.

Senator Houston offered the following amendment: Amend the bill as follows:

Section 7. The following counties shall compose the sixth district, to-wit: Kauffman, Ellis, Dallas, Tarrant, Johnson, Hill, Hood and Somervell.

Sec. 8. The following counties shall compose the seventh district, to wit: Brazoria, Fort Bend, Galveston, Austin, Colorado, Lavaca, Victoria, DeWitt, Karnes, Wilson, Gonzales, Guadalupe, Caldwell, Hayes and Goliad.

Sec. 9. The following counties shall compose the eighth district, to-wit: Blanco, Comal, Gillespie, Kimble, Edwards, Kerr, Bandera, Kendall, Bexar, Medina, Uvalde, Kinney, Maverick, Zavala, Frio, Atascosa, Dimmitt, Webb, La Salle, McMullen, Live Oak, Encinal, Duval, Zapata, Starr, Hidalgo, Cameron, Nueces, San Patricio, Bee, Refugio, Aransas, Calhoun, Jackson, Wharton and Matagorda.

Sec. 10. The following counties shall compose the ninth district, to-wit: Navarro, Bosque, Limestone, McLennan, Falls, Milam, Burleson and Washington.

Sec. 11. The following counties shall compose the tenth district, to-wit: Fayette, Lee, Travis, Bastrop, Williamson, Bell, Burnet, Lampasas, Coryell and Hamilton.

Senator Duncan moved the previous question on the amendments.

Senator Homan moved a call of the Senate. Call seconded. Roll called; Senate full.

By consent, Senator Duncan withdrew his motion for the previous question on the amendment.

Senator Duncan moved the previous question. Not seconded.

Senator Gooch moved to postpone the consideration of the bill and make it the special order for to-morrow morning after morning call. Adopted by the following vote:

YEAS—24.

Brown,	Houston,	Shannon,
Buchanan,	Lair,	Stewart,
Burton,	Martin,	Stubbs,
Davenport,	McLane,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Hightower,	Rainey,	Weatherred,
Homan,	Ross,	Wynne.

NAYS—5.

Burges,	Duncan,	Patton.
Davis,	Lightfoot,	

On motion of Senator Tilson, the Senate adjourned till 9:30 a. m. to-morrow.

SEVENTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 25, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Rev. A. E. Goodwin, D. D., of the M. E. Church South.

On motion of Senator Swain, the reading of the journal of yesterday was dispensed with.

Senator Stewart, chairman of Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 25, 1882.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred the petition of citizens of Bureson and Lee counties to be exempted from the operation of the laws prohibiting the killing of deer and the catching or taking of wild turkeys, partridges or pennated grouse in certain seasons of the year, beg leave to report that because his Excellency, the Governor, has failed to embrace the matters complained of by petitioners in his proclamation and messages, the Legislature has not the power to grant the relief prayed for, and they therefore recommend that the petition be not granted.

STEWART, Chairman.

Senator Ross, chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 25, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 41, entitled "An act to ascertain the deficiencies of the several departments of the State government for the year ending February 28, 1882, and amounts due individuals, and to make appropriations to pay the same," have had said bill under consideration, and have instructed me to report it back with recommendation that it pass.

ROSS, Chairman.

Bill read first time with favorable report of committee.

Senator Homan, chairman of Committee on Public Printing, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 25, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Printing have carefully considered House bill No. 56, "An act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, title 26, of the Revised Civil Statutes of the State of Texas, approved February 21, 1879," and a majority of the committee instruct me to report recommending the passage of the bill with the accompanying amendments.

HOMAN, for Committee.

First committee amendment: "In article 1030, strike out "five dollars and fifty cents" and insert "six dollars."

Second committee amendment: Add to last section of bill as follows: "Provided, that nothing contained in this act shall be held to apply to volumes of reports the manuscript of which is now in the hands of the publisher."

Bill read first time, with committee amendments.

House bill on congressional apportionment, being the special order for this morning after the morning call, was taken up, amendment of Senator Houston pending.

Senator Swain moved to recommit the bill with amendments. Lost by the following vote:

YEAS—13.

Brown,	Lightfoot,	Stewart,
Burton,	Martin,	Swain,
Davis,	Rainey,	Terrell,
Homan,	Shannon,	Weatherred.
Houston,		

NAYS—16.

Buchanan,	Hightower,	Patton,
Burges,	Lair,	Ross,
Davenport,	McLane,	Stubbs,
Duncan,	McDonald,	Tilson,
Gooch,	Moore,	Wynne.
Harris,		

A message was received from the House announcing the passage by that body of House joint resolution No. 1, "Authorizing the Board of Statistics to apply such portion of the existing appropriation as may be necessary for the payment of statistical clerks."

Also, substitute House bill No. 20, "An act to amend articles 4666 and 4668 of the Revised Statutes." Referred by the President to Committee on Finance.

Also, House bill No. 73, "An act to attach the unorganized county of Crockett to the county of Kinney for judicial purposes." Referred to Committee on Judicial Districts.

The President gave notice of the signing of Senate bill No. 39, "An act to authorize district judges to fix times for holding district courts in newly organized counties."

Also, Senate bill No. 38, "An act to provide temporary shelter for the lunatics in the asylum, rendered necessary by the recent burning of one of the Lunatic Asylum buildings."

Senator Patton, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 25, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 42, "An act to provide for running and marking the boundary line between the State of Texas and the Territory of the United States," etc., etc., and find the same correctly engrossed.

PATTON, Chairman.

Senator Homan, for chairman of joint select committee on the part of the Senate to provide quarters for State departments, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 25, 1882.

Hon. Geo. R. Reeves, Speaker of the House of Representatives:

Your joint committee to provide permanent quarters for the Legislature and the other departments of the State government beg leave to report that they have received and considered several propositions looking to the purchase by the State of buildings for that purpose as well as for the repairing of the old capitol, and have decided to recommend the repair of the old capitol, and refitting the same for the accommodation of the Legislature and the Comptroller's and Treasurer's departments, the cost of which has been estimated by a competent architect at ten thousand dollars.

To provide for the other State departments and the courts, the committee advise the purchase by the State of the building known as the Brueggerhoff building on the east side of Congress avenue, at the price of thirty-five thousand dollars, upon the condition that said Brueggerhoff shall repurchase the same when it shall be vacated by the State and repay the said sum of \$35,000.